

Amnesty, Reconciliation, and Reintegration in South Africa

**A Monograph
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14. ABSTRACT Amnesty, reconciliation, and reintegration (AR2) are typically regarded as a post-conflict processes. In South Africa AR2 occurred before hostilities between government security forces and opposition groups developed into a civil war. During the transition from apartheid to democracy in the 1990's, civil war was averted in South Africa due to a combination of the political compromise between the National Party and the African National Congress, the pressures placed upon the South African economy, and the military's acquiescence to the transition. South African security forces acquiesced to this process due to their traditions of subservience to civilian authority, their limited political, and their relatively small size. After the transition to a majority rule government, South African security forces, both the military and the police, successfully integrated members of multiple opposition groups into their ranks. This integration contributed to South Africa's relatively peaceful transition to a democratic government. The integration of the South African security forces was successful due to compromises made by both the existing South African Defence Force and the armed wings of the opposition movements.					
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Abstract

AMNESTY, RECONCILIATION, AND REINTEGRATION IN SOUTH AFRICA by MAJOR Timothy M. Bairstow, USMC, 50 pages.

The process of amnesty, reconciliation, and reintegration (AR2) is typically regarded as a post-conflict process. In South Africa AR2 occurred before hostilities between government security forces and opposition groups developed into a civil war. This makes the South African case of AR2 a distinct, but not unique case. During the transition from apartheid to democracy in the 1990's, civil war was averted in South Africa due to a combination of the political compromise between the National Party and the African National Congress, the pressures placed upon the South African economy, and the military's acquiescence to the transition.

The reconciliation process in South Africa was instigated by economic factors. South Africa had, in the African National Congress (ANC) and other groups, a significant opposition movement for almost eight decades before the country moved towards reforming the apartheid system. For almost half of that time the ANC and other groups used violence against the state. But it was not until apartheid became too expensive for South Africa's business interests that any viable attempts were made to reconcile the ANC and the National Party.

South African politicians on both sides of the conflict did their part to avoid war by recognizing the need for a national reconciliation process and building the structures necessary for reconciliation to occur in a relatively fast, efficient, and very public way. The primary contributors to the process of AR2 in the political sphere were the negotiations between the ANC and the National Party, the Truth and Reconciliation Commission, and local "peace councils," which mitigated conflicts at the village and regional level.

While it may seem surprising that South African security forces acquiesced to this process, they did so due to their traditions of subservience to civilian authority, their limited political, and their relatively small size. After the transition to a majority rule government, South African security forces, both the military and the police, successfully integrated members of multiple opposition groups into their ranks. This integration contributed to South Africa's relatively peaceful transition to a democratic government. The integration of the South African security forces was successful due to compromises made by both the existing South African Defence Force and the armed wings of the opposition movements.

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Introduction

On 10 May 1995 Nelson Mandela was inaugurated as the first democratically elected president of South Africa. In the seat next to Mandela's was his former opponent, the former president F. W. De Klerk. During the inauguration, a squadron of South African air force jets overflew the ceremony.¹ The presence of de Klerk and the flyover, both showing loyalty to the new president, symbolized the political and military reconciliation that occurred in South Africa. This reconciliation, which was a process that continued for years after the inauguration, was primarily a result of a political compromise between the ruling National Party and its black nationalist opponents. This compromise would not have occurred, however, without economic pressure to bring the different parties to the negotiating table nor without the acquiescence of South Africa's security forces.

This monograph expands upon a *Military Review* article written on the process of amnesty, reconciliation, and reintegration (AR2) in South Africa.² The original article was one article in a series of case studies written for *Military Review* that explored AR2 as a significant component of conflict resolution.

In the realm of AR2, South Africa formed a distinct case because the process of AR2 occurred before hostilities in South Africa were wide enough for the country to be considered undergoing a civil war. This is not to say, however, that South Africa's transition from apartheid to majority rule was peaceful. In fact between 1985 and 1989,

¹ Cyril Ramaphosa, "Swords Into Plowshares: The Challenge of Effective Governance in a Democratic South Africa," *International Journal of Public Sector Management* 9, no. 1 (1996): 17.

² Timothy Bairstow, "Amnesty, Reconciliation, and Reintegration in South Africa," forthcoming *Military Review*.

over 15,000 South Africans lost their lives due to politically motivated violence.³ South Africa did, however, avoid a large-scale civil war between the government and opposition groups; the majority of politically motivated violent deaths were caused during clashes between different opposition groups, not between the opposition groups and government security forces.

The claim that South Africa has transitioned to a democratic state is tough to dispute. Since the African National Congress (ANC) and the National Party agreed to a new Constitution in 1994, South Africa has held three elections, including one in which one president (Nelson Mandela) peacefully transferred power to a new president (Thabo Mbeki). At the time of South Africa's third presidential election after the transition from apartheid, the United Nations declined to send electoral observers due to the manner in which previous elections were held.⁴ The United Nations' faith that the South African elections would be conducted competently and fairly without supervision symbolized international recognition that South Africa had indeed transitioned to a successful democracy. South Africa could not have successfully done so without reconciliation occurring between various groups in South African society.

How did the process of AR2 keep South Africa from descending into civil war in the 1990's? During the transition from apartheid to democracy in the 1990's, civil war was averted in South Africa due to a combination of the political compromise between the National Party and the African National Congress, the pressures placed upon the South African economy, and the military's acquiescence to the transition. The factors that

³Peter Gastrow, *Bargaining for Peace South Africa and the National Peace Accord*, (Washington, D.C.: United States Institute of Peace, 1995), 11-14.

⁴ Ahmed Bawa, "South Africa's Young Democracy, Ten Years on: Guest Editor's Introduction." *Social Research* 72, no. 3 (Fall 2005): 501.

helped South Africa avoid civil war, while distinct, can be applied to other potential belligerents.

To explain the role that AR2 played in averting war in South Africa one must first examine how economic factors pushed South African politicians to the bargaining table as this was the first step toward South Africa's famous political reconciliation (primarily between the National Party and the ANC). After addressing the political reconciliation in South Africa, one must also answer the question as to why the South African security forces (and the armed wings of the opposition movements) acquiesced to the reconciliation.

This monograph starts with an assumption that there are multiple reasons for South Africa's successful transition from apartheid to a functioning democracy and that the search for a solitary cause creates an overly simple model of what was a complex interaction of various factors.

This monograph is organized to address the three areas in which AR2 occurred. The monograph first summarizes the historical background of South Africa's transition, examines the existing literature pertinent to AR2 in South Africa, and explains the research methodology used. After exploring the economic factors that drove South Africa to pursue a course of reconciliation the monograph describes the political process in which reconciliation occurred. Finally the monograph examines how the South African security forces, both the military and the police, reconciled and integrated members of the opposition movements into its ranks.

Historical Background

Although not the sole cleavage in South African society, the state-sanctioned system of racial discrimination known as apartheid was the most divisive aspect of South Africa's polity. Apartheid, which means "separate development" in Afrikaans,⁵ was originally designed to limit contact between black and white and South Africans. Laws which divided South Africa into separate spheres for blacks and whites date back as early as 1911. In 1948 the apartheid was expanded with a system of laws that removed South African citizenship from black South Africans and replaced it with citizenship in one of several black "homelands" inside South Africa. Black South Africans were denied numerous rights. Blacks were prevented from performing certain jobs, owning land outside the homelands, and using the majority of public facilities. The system of apartheid was designed to guarantee the economic positions of white South Africans by reserving the best land and employment for whites.⁶

Opposition to the system of apartheid began among black South Africans almost as soon as the first apartheid laws were passed. In 1912, educated black South Africans founded the South African Native National Congress, an organization dedicated to the peaceful opposition to segregationist laws. Nine years later, its members renamed the organization the African National Congress (ANC). The ANC continued peaceful opposition to white minority rule until the early 1960s. In March of 1960, South African security forces in the town of Sharpeville opened fire on an anti-apartheid demonstration

⁵ Jay Shafritz, Phil Williams, and Ronald Calinger, *Political Dictionary of Twentieth Century World Politics* (New York, New York: Henry Holt and Company, Inc., 1993), 35.

⁶ Rita Byrnes, ed., *South Africa, A Country Study*, 3rd edition (Washington, D.C.: Federal research Division, Library of Congress, 1996), 54-57.

and killed 69 protesters.⁷ The following month the South African government banned the ANC and a similar organization, the Pan-African Congress (PAC) and declared a state of emergency.

The following year, in reaction to both the “Sharpeville Massacre” and the South African government’s departure from the British Commonwealth, the ANC formed its armed wing, the *Umkhonto we Sizwe* (“Spear of the Nation”).⁸ Other opposition groups, such as the PAC, also formed armed wings. Black African resistance was relatively ineffective against South African security forces. While the *Umkhonto* and similar organizations conducted acts of sabotage in South Africa, they spent more time fighting rival factions within the black resistance than conducting attacks against white South African targets. In addition to limited acts of sabotage, black resistance in South Africa organized massive protests and strikes by urban workers and students. In 1976, police in the Soweto Township killed several protesters, igniting a series of riots that left dozens of buildings destroyed and hundreds of black South Africans dead (most at the hands of South African security forces).

Resistance by the ANC continued along similar lines through the 1980s. Despite continuing to grow through the decade, the ANC and the *Umkhonto* never posed an existential threat to the security of the South African state.⁹ It was, rather, economic conditions that drove the state to compromise with the ANC. By the end of the 1980s, the South African government began to buckle under the economic pressure of strikes and

⁷ Ngomane, Tsakani, and Constance Flanagan. "The Road to Democracy in South Africa," *Peace Review* 15, no. 3 (September 2003): 267.

⁸ Ibid.

⁹ Wood, Elisabeth Jean. *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador*. (New York, NY: Cambridge University Press, 2000) 131-132.

international divestment from South African companies. Economic and demographic pressures led the South African government to begin negotiations with the ANC in 1989. At these negotiations, the ANC and the ruling National Party (NP) ironed out the Interim Constitution of November 1993. While some saw the Interim Constitution as a “disguised surrender,”¹⁰ most scholars viewed the document as an agreement between the elites of two opposing groups that averted a bloody civil war. In April 1994, South Africa held elections under the watch of security forces from both the South African Defence Force (SADF, the previous government’s military) and the ANC. The election, South Africa’s first in which all citizens were afforded an equal vote, resulted in a victory for the ANC by an overwhelming margin.

With a new constitution and elections, South Africa took major political steps to avoid civil war. What remained for the new government to keep the peace were several tasks:

1. Integrate the South African security forces with the armed wings of the ANC and other resistance movements.
2. Reconcile a divided society for the abuses committed during apartheid.
3. Integrate black South Africans into the South African economy.¹¹

Literature review

Because the international community has perceived South Africa as a case of successful transition from one party rule to democracy, numerous scholars have devoted

¹⁰ James Hamill. "A Disguised Surrender? South Africa's Negotiated Settlement and the Politics of Conflict Resolution," *Diplomacy & Statecraft* 14, no. 3 (September 2003): 1.

¹¹ This monograph explores efforts towards the first two of the tasks listed above. The task of integrating black South Africans into the South African economy, a process continuing at the time of writing, is outside the scope of this work.

their time to studying South Africa's move from apartheid to majority rule. The vast majority of these works concentrate either on the role of key individuals, such as Nelson Mandela, or on the effect of the Truth and Reconciliation Commission. The actions and results of the TRC are contained in the TRC's final report, published in 1999. Numerous authors have since published works debating the effectiveness of the TRC's work. The preponderance of these works view South Africa's TRC as a success story and a model for peaceful conflict resolution in other troubled parts of the globe.

The most exhaustive look at whether South Africans actually achieved any measure of reconciliation is a study by social scientist James Gibson, titled *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?*¹² Gibson's work used a survey of all of South Africa's racial groups to determine levels of reconciliation within South African society. While Gibson's work is certainly not the only work to attempt the application of objective social science to the question, his research is the most comprehensive. And his work stands in contrast to majority of pieces that examine the question of reconciliation in South Africa from a deductive or, in some cases, anecdotal view.

Less has been published on the role of South Africa's security forces during the transition from apartheid to majority rule. South African professor Phillip Frankel wrote the definitive work on the subject in *Soldiers in a Storm*, a work that nearly all subsequent authors reference when dealing with the subject.¹³ A collection of essays regarding the transition of South African security forces can be found in *About Turn*,¹⁴

¹² James Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* New York, New York: Russell Sage Foundation, 2004.

¹³ Philip Frankel, *Soldiers in a Storm*, Boulder, Colorado: Westview Press, 2000.

¹⁴ Jakkie Cilliers and Markus Reichardt, eds., *About Turn: The Transformation of the South African Military and Intelligence* (Halfway House, South Africa: Institute for Defence Policy, 1996).

edited by Jakkie Cilliers and Markus Reichert. Annette Seegers also touches upon the issue in *The Military in the Making of Modern South Africa*.¹⁵

Many of the key participants in the transition from apartheid to majority rule have written their own accounts, to include Nelson Mandela, leader of the ANC and later president of South Africa; F.W. De Klerk, leader of the National Party and last president of South Africa under apartheid; and Reverend Desmond Tutu, the chairman of the Truth and Reconciliation Commission.

Methodology

This monograph uses a single case study to examine aspects of AR2 that are unique to South Africa in the 1990s. While the use of a single case study limits the ability to generalize lessons to other cases of AR2, it is warranted due to the distinct character of the circumstances under which South African AR2 occurred. Furthermore, while the South African context was distinct, it is not outside the realm of possibility that similar circumstances could occur in other polities. In any state with aggrieved parties on the brink of widespread civil war, lessons from the South African case might apply.

Secondary sources used in this study include primarily journal articles and books dealing with various aspects of AR2 in South Africa and historical accounts of South Africa's history for the last two decades. Primary sources used consist of personal accounts of the key participants in South Africa's transition and South African government documents. Personal accounts include those of Nelson Mandela, F.W. De Klerk, Archbishop Reverend Desmond Tutu, and Mangosuthu Buthelezi. The government documents used include the TRC final report, the various government

¹⁵ Annette Seegers, *The Military in the Making of Modern South Africa* (New York, New York: Tauris & Co Ltd, 1996).

“White Papers,” the Defence Review, and legislation passed by the South African government such as the Promotion of National Unity and Reconciliation Act.

In order to explore the role of AR2 in South Africa it is necessary to define what each of the terms (amnesty, reconciliation, and reintegration) mean in the context of South Africa’s conflict. Amnesty, in South Africa, refers specifically to the formal granting of immunity by the Truth and Reconciliation Commission established after the 1994 election. Reconciliation refers to an improvement in attitudes of groups of South African citizens towards other groups of citizens within the polity. South African social scientist James Gibson’s definition of reconciliation in South Africa is perhaps the most useful and includes racial reconciliation, political tolerance, support for the principles of human rights, and respect for the legitimacy of the government.¹⁶ Reintegration, in the South African context, refers to proportional representation of all elements of South African society in government, business, and the military. Arguably, in the South African context, “integration” is a more appropriate term than “reintegration,” since black South Africans were never fully integrated into the government or military.

This study is limited by examining the workings of South African society at only the organizational level. Thus it primarily addresses the actions of entities such as political parties, South African security forces, and “businessmen,” but not individual actors within those entities. When individuals are addressed within the monograph, it has been done to merely represent the positions of leadership within their particular entities. Doing so obviously discounts the role of key individuals in the process of bringing about AR2 in South Africa. The omission of the role of individuals is intentional, for if one

¹⁶ Gibson, James, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York, New York: Russell Sage Foundation, 2004), 4.

describes South Africa's successful transition as attributable solely to the actions of specific individuals, then the South African case must be unique and therefore of little utility for application to other potential conflicts. This study takes the position that the South African case is distinct, not unique, and thus has implications for other conflicts.¹⁷

The Role of South Africa's Economy in AR2

South Africa's slow moves toward reconciling its population began due to pressures on South Africa's economy. While resistance to the apartheid system started early in the 20th century, it was not until South African businessmen felt the pain of a poorly functioning economy that the South African government came to the bargaining table with resistance movements.¹⁸ When factors both internal and external to South Africa negatively affected the largest economy on the African continent,¹⁹ South African businessmen pressured their government to reconcile with the ANC and other opposition movements.

The most common perception of the role of economic factors in instigating South Africa's reconciliation is that external pressure in the form of sanctions and divestment so negatively affected the South African economy that the government was forced to bargain with the ANC.²⁰ There is merit to this argument, since international pressure

¹⁷ "Unique" connotes that a case that is unparalleled and has no equal. Thus lessons from a unique case would not apply to any other case. "Distinct" implies that the South African case is unlike other cases of AR2, but that its lessons may be applicable to a similar set of circumstances in the future.

¹⁸ Elisabeth Wood, 143-4.

¹⁹ John Stremmler and Helen Zille, *A House No Longer Divided*, (New York: Carnegie Corporation, 1997), 25. South Africa's GDP in the year of Mandela's election was \$120 billion per year, even after three years of decline.

²⁰ An example of this conventional wisdom can be found in the United Nation's account of the UN's role in South Africa *The United Nations and Apartheid 1948-1994*. (New York, New York: Department of Public Information, United Nations, 1994), 30. Examples from the popular press include Anthony Heard, "Sanctions Can Work, but Apply Them with Care," *International Herald Tribune*, (28

undoubtedly prevented South Africa's economy from growing faster than it would have otherwise. Private foreign investment in South Africa fell every year from 1970 to 1993 (except for 1979-1981, when gold prices rose significantly).²¹ Over the same years, companies in the United States rid themselves of their South African affiliates, decreased their number of South African employees, reduced their investment in South Africa, and curtailed loans to South African companies.²² While some of the decline in international investment was undoubtedly due to principled opposition to South Africa's apartheid system, the increasing unrest (particularly after the Soweto riots of 1976) simply scared investors about their prospects of returning a healthy profit in South Africa.²³ The retreat of Portugal from her former colonies in southern Africa (and later the fall white minority rule in Rhodesia) further spooked investors.²⁴ Consumers took similar action as investors. US consumers, in particular, were troubled by apartheid and in the 1970s and 1980s they cut their purchases of products (particularly diamonds) associated with the apartheid regime. In 1977, the United Nations Security Council imposed sanctions on South Africa under UN Security Council Resolution 418, which prohibited states from provisioning South Africa with "arms and related material of all types..."²⁵ The United Nations would later argue that the pressure UNSCR 418 and the actions of states to economically isolate

May 1993) and Bill Keller "South African Sanctions May Have Worked, at a Price," *New York Times* (12 September 1993) [article on-line] available from query.nytimes.com. Internet; accessed 26 January 2008.

²¹ Elisabeth Wood, 153-4.

²² Richard Knight. "Sanctions, Disinvestment, and U.S. Corporations in South Africa," Robert Edgar, editor. *Sanctioning Apartheid*. (Trenton, New Jersey: Africa World Press, 1990). See also "U.S. Economic Involvement with Apartheid South Africa." [article on-line] available from richardknight.homestead.com/files/useconomicinv.htm. Internet; accessed 26 August 2007.

²³ Anton Lowenberg, "Why South Africa's Apartheid Economy Failed," *Contemporary Economic Policy* 15, no. 3 (Jul 1997): 67.

²⁴ Ibid.

²⁵ "Security Council Resolutions – 1977." [article on-line] available from www.un.org/documents/sc/res/1977/scres77.htm. Internet; accessed 27 August 2007.

South Africa “brought home to the apartheid regime and its supporters that they had to move towards an accommodation with the majority of South Africans.”²⁶

While all of the pressure outlined above surely slowed the growth of the South African economy, external pressure alone did not cause enough strain to South Africa’s economy to bring the government to the table. Even with sanctions and divestment, South Africa’s economy grew in all but eight years from the end of World War II to the election of 1994, averaging 3.5% per year.²⁷ It was internal pressure, rather, that caused South African business leaders to push their government to the bargaining table. By the 1980s business leaders saw apartheid as being too costly to their companies’ interests because apartheid-era laws impeded the efficient use of manpower and reduced the amount of available skilled labor.²⁸

The interaction of apartheid laws and the demographics of South African labor explain this argument. From 1946 to 1977 the percentage of white South Africans working in agriculture decreased from 30% to 8%. Over the same period, whites working blue collar jobs dropped from 41% to 27% and white collar jobs increased from 29% to 65%.²⁹ The net effect of these demographic changes was to increase the demand for black workers on farms and in skilled manufacturing positions. However, laws written in the early years of apartheid that forbid black Africans from owning land in portions of South Africa and restricted blacks from competing with whites for certain jobs, remained on the books. These laws, however, made less sense as white workers moved out of blue

²⁶ *The United Nations and Apartheid 1948-1994*. (New York, New York: Department of Public Information, United Nations, 1994), 30.

²⁷ Andre Roux, *Everyone’s Guide to the South African Economy* 8th ed. (Struik Publishers: Cape Town, South Africa, 2005), 38.

²⁸ Lowenberg, 62.

²⁹ Wood, 123.

collar jobs and as the South African economy became less dependent upon agricultural income. The laws originally meant to protect the economic interests of white South Africans now hurt them by creating a scarcity of skilled workers who could operate machinery in factories or on farms.³⁰ The inferior education system created for blacks further exacerbated the shortages of skilled labor.³¹ Additionally, the South African government established tariffs and import-substitution industry in order to protect skilled jobs held by whites, placing more drains on the economy to support inefficient industry.³²

By the mid 1980s business leaders in South Africa were concerned enough with the economic trends in their country to defy their government and meet with leaders of the banned opposition movements. In effect, South African businessmen began the process of reconciliation that prevented widespread civil war in South Africa. In September of 1985, a group of executives from South Africa's biggest companies met with leaders of the ANC in a covert meeting to discuss South Africa's government and economy after apartheid.³³ The following year businessmen from the same group met with the ANC inside South Africa.³⁴ South African business leaders went on to form the Consultative Business Movement (CBM), a group of ninety business leaders who recognized the need for a "constructive transformation of the country's political economy."³⁵ Starting in 1990, the CBM conducted a form of "shuttle diplomacy,"

³⁰ Lowenberg, 62-63.

³¹ Tsakani Ngomane, and Constance Flanagan, "The Road to Democracy in South Africa," *Peace Review* 15, no. 3 (09 2003): 268.

³² Lowenberg, 64.

³³ Wood, 143.

³⁴ Ibid, 175.

³⁵ Peter Gastrow, *Bargaining for Peace South Africa and the National Peace Accord*, (Washington, D.C.: United States Institute of Peace, 1995), 17.

meeting first with labor and political groups, followed by senior members of the South African cabinet, and then with representatives of the ANC and the Inkatha Freedom Party (IFP, a political party that primarily represented the interests of ethnic Zulu South Africans). When South African president F.W. De Klerk announced he would host a two-day peace conference in the spring of 1991 and the ANC and other groups refused to attend, the CBM continued to mediate between the two groups until all parties agreed to a CBM-hosted meeting in Johannesburg in June. Representatives from twenty different organizations (to include the government, ANC, IFP, Pan African Congress, and the Congress of South African Trade Unions) attended this meeting. This meeting paved the way for the National Peace Convention in September of 1991, which was the first meeting attended by the heads of the three most powerful political parties in South Africa at the time: President De Klerk, Nelson Mandela, and Mangosuthu Buthelezi.³⁶

The Political Process in South African AR2

Historians and commentators have portrayed South Africa's transition as a triumph of politicians preventing what would have been a protracted and costly war. Indeed, South African politicians were instrumental in maintaining focus on aspects of AR2 as a way ahead. South African politicians not only talked about aspects of AR2 in abstract terms, but they created structures specifically designed to facilitate the process of AR2 after the transition to a democratically elected government. These structures have been instrumental in stopping aggrieved parties from resorting to violence in order to address their issues.

³⁶ Gastrow, 18-34.

The National Peace Convention of 1991, described above, laid the foundations for the institutions that would facilitate AR2. The National Peace Convention saw the signing of the National Peace Accord by the heads of the most powerful political organizations in South Africa. The National Peace Accord established the principles of the transition from apartheid to majority rule and created agreed-upon standards of political conduct.³⁷

Negotiators from nineteen different political parties worked out further details towards fully representative elections and a new constitution at the Convention for a Democratic South Africa (CODESA) in December 1991.³⁸ The parties convened a second CODESA in May 1992 after 68% of white voters voted in favor of inclusive elections in a national referendum. CODESA II stalled shortly thereafter, but negotiators soon achieved a significant compromise, whereby ANC negotiators agreed to the so-called “sunset clause.” Under the sunset clause, a transitional government would rule for five years and then transfer power to a government that would rule under a constitution approved by two-thirds of South African voters.³⁹ An important piece of the sunset clause stipulated that government employees could not be removed from office by the interim government during the intervening five years. The sunset clause showed the importance with which South African negotiators viewed the role of integrating the opposing sides, since the sunset clause included not just civilian government employees, but members of the security forces as well.

³⁷ Republic of South Africa, National Peace Accord, (1991): 1-31 [article on-line] available from www.incore.ulst.ac.uk/services/cds/agreements/pdf/sa4.pdf. Internet; accessed 26 January 2008.

³⁸ Rodney Davenport and Christopher Saunders, *South Africa A Modern History*, 5th ed. (New York, New York: Saint Martins Press, 2000): 560.

³⁹ Ibid, 565.

Additional negotiations continued under a Multi-Party Negotiating Forum (MPNF) in 1993. The MPNF included representatives of organizations that had previously boycotted the CODESA negotiations.⁴⁰ Members of the MPNF ratified an Interim Constitution in November 1993.⁴¹ The Interim Constitution reflected the concern of both of the two most powerful organizations in South Africa: the National Party and the ANC. The National Party's requirements for a new constitution, as outlined in a party pamphlet issued to white voters in 1991, included mechanisms to prevent the domination of minority groups (whites) by the majority. The Interim Constitution for the most part met these requirements, such as limited terms of office, representation of minority parties in all branches of government, and an unalterable bill of rights.⁴² The bill of rights and term limits were written into the constitution and minority representation was ensured through several means: Parliament would consist of a National Assembly with members appointed from both national and regional party lists. In the Senate, any party collecting over 5% of the vote would be included in the cabinet and any party collecting over 20% would be allowed to nominate a deputy president.⁴³

The constitution itself reflected the concern of South African politicians towards future reconciliation of the country: "In order to advance...reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions, and offenses associated with political objectives and committed in the course of conflicts of the

⁴⁰ The newly participating organizations included the Pan African Congress and white right-wing organizations such as the Conservative Party.

⁴¹ Constitutional Court of South Africa, "History of the Constitution," [article on-line] available from www.concourt.gov.za/text/constitution/history.html. Internet; accessed 26 January 2008.

⁴² Sebastian Mallaby, *After Apartheid: The Future of South Africa*, (New York, New York: Times Books, 1992), 105-108.

⁴³ James Hammill. "A Disguised Surrender? South Africa's Negotiated Settlement and the Politics of Conflict Resolution." *Diplomacy & Statecraft* 14, no. 3 (09 2003): 7-9.

past.”⁴⁴ It is important to note that South African politicians did not merely enact laws regarding amnesty and reconciliation; they wrote these ideas into the defining document of their state. All of the parties involved had an interest in doing so. Both the National Party and opposition movements wanted to ensure that their members could not fall victim to persecution after the new government was formed. Even the assumed majority party, the ANC, was interested in this outcome since at this point they could not foresee the extent to which they would dominate in the first election, nor could they have predicted at this point their sustained majority position in the government. By writing aspects of amnesty and reconciliation into the constitution, the negotiators made it more difficult for a future majority to take away the prospects of amnesty for any group in the minority.

While the parties were unable to negotiate, prior to the 1995 election, the exact mechanisms for adjudicating amnesty, the new government made this one of its top priorities. On 26 July 1995, President Mandela signed into being the Promotion of National Unity and Reconciliation Act. The Act mandated the creation of the Truth and Reconciliation Commission (TRC). The TRC provided the core of the process for AR2 in South Africa. The TRC operated with “the goal...to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past.”⁴⁵ The TRC had three purposes: to catalog the horrors of past political violence, compensate victims for their suffering, and to grant amnesty to the perpetrators.⁴⁶ The

⁴⁴ Nir Eisikovits, "Rethinking the Legitimacy of Truth Commissions: 'I Am the Enemy You Killed, My Friend,'" *Metaphilosophy* 37, no. 3 (07 2006): 490.

⁴⁵ South African Parliament, *Promotion of National Unity and Reconciliation Act, (26 July 1995): no 34 of 1995*, [article on-line] available from www.doj.gov.za/trc/legal/act9534.htm. Internet; accessed 16 November 2007

⁴⁶ "Burying South Africa's Past." *Economist* 345 (November 1 1997): 21.

TRC, which held hearings until 1999, was granted the power of search and seizure, could issue subpoenas, and, most importantly, could grant amnesty to individual citizens.

Pardons were only granted if the perpetrator made a full and accurate admission of his actions and if he was found to have committed his act(s) for political reasons.⁴⁷

Applicants, if they were eligible for amnesty, would only be granted pardons after any victims were granted an opportunity to tell their stories. Almost 22,000 South Africans registered with the TRC as victims of human rights abuses. All of the registrants submitted written statements and 2500 of the registrants were provided a hearing at which to give oral evidence of their abuse.⁴⁸ The stories of these victims created a public and permanent account of some of the injustices of South Africa's past. Since the TRC's proceedings were broadcast on radio and summarized in television and newspaper accounts, all South Africans had access to an ongoing narrative of the country's recent history. Testimony included accounts from living victims and relatives of victims. Catalogued offenses included murder, rape, and torture. When the accounts of the victims were combined with the testimony and admissions of the perpetrators, the recorded stories created several benefits. First, victims were recognized and honored. Similarly, black South Africans saw the story of their oppression uncovered for all South Africans to see. Third, white South Africans, especially those whose daily lives were removed from the past conflict, were forced to see the violence that was done by the old regime on their behalf. Without these effects, South Africans could not have started the process of building a common narrative of their country's history during the apartheid era.

⁴⁷ Jonathon Tepperman, "Truth and Consequences." *Foreign Affairs* (2002), 3-5.

⁴⁸ Corrina Schuler, "South Africa: Wrestling with Forgiveness," *Christian Science Monitor* 91, no. 156 (09 July 1999): 1.

From the perpetrators' point of view, the TRC had several benefits. The most obvious was immunity from further prosecution, either criminal or civil. Those who held jobs in the state security forces were even permitted to return to their jobs upon being granted amnesty.⁴⁹ The granting of immunity tempered those most likely to resist the transition from doing so. Eight thousand individuals applied for amnesty through the TRC. Of these, over three quarters were deemed not to have committed politically motivated crimes and were simply common criminals attempting to use the TRC to escape prison sentences.⁵⁰

Applicants for amnesty to the TRC included not just members of the South African security forces but also members of the armed wings of the ANC and other opposition movements. The vast majority of these applicants were lower and mid-level executors of policy and only in rare cases included senior members of their organizations. Only one cabinet member from the government applied for amnesty. Thabo Mbeki, who would later be elected to be the South African president, was the senior member of any resistance movement to apply.⁵¹

It is important to note that all applicants to the TRC were individual applicants. While some organizations (including both the ANC and the South African Defence Force) sought to receive a blanket pardon for their entire membership, the TRC dismissed this idea outright. Archbishop Reverend Desmond Tutu, the Chairman of the TRC, succinctly captured the South African argument against a blanket amnesty in his history of the TRC, *No Future without Forgiveness*. Tutu stated that granting a blanket amnesty

⁴⁹ "Burying South Africa's Past," 21.

⁵⁰ Lyn Graybill, *Truth and Reconciliation in South Africa: Miracle Or Model?* (Boulder, Colorado: Lynne Rienner Publishers, 2002), 64.

⁵¹ "Burying South Africa's Past." 22.

would create a “national amnesia,” because the stories of so many South Africans would go untold if the perpetrators of their abuse were not forced to tell their stories. Without the stories, Tutu argued, South Africa could not create a shared history and without that history South Africa would never create true reconciliation.

Tutu argued against trials (as opposed to less formal amnesty hearings) for perpetrators of political violence essentially for the same reason: putting the abusers on trial would eliminate the chances for peaceful reconciliation between different racial groups, as holding trials would have broken the negotiated settlement between the National Party and the ANC. Furthermore, holding trials was impractical due to the costs and time involved. The TRC, with its staff of eighteen commissioners and sixty investigators, was only capable of handling its thousands of cases by giving most of its cases a quick treatment, except in the most high profile cases. Lastly, holding trials would likely have resulted in less justice, since trials would have required a level of evidence that the TRC did not require.⁵² An indirect benefit of using the TRC’s less formal hearings rather than full trials was that the proceedings were more accessible to the average South African and thus more public.⁵³

In its final report, the TRC found two other factors that would have inhibited the utility of using trials to reconcile South Africans with those who had committed violence under the National Party government. First, the TRC found that the majority of violent acts were not conducted by the government (or even inspired by the government) but rather they were conducted by blacks against other blacks. Most of the black on black

⁵² Desmond Tutu, *No Future without Forgiveness*, 1st ed. (New York, New York: Doubleday, 1999), 20-24.

⁵³ John Hagan and Sanja Kutnjak Ivkovic, "Overcoming Apartheid: Can Truth Reconcile a Divided Nation?" *Law & Society Review* 40, no. 3 (Sep 2006): 731-732.

violence in South Africa was the result of attacks by supporters the two largest opposition movements, the ANC and the Inkatha Freedom Party, who were as bitterly opposed to one another's groups as they were to the apartheid government. As a result, the TRC found that many victims of political violence were also perpetrators of political violence at other times. The most well known example of an individual who fits into both of these categories was Nelson Mandela's onetime wife, Winnie Mandela. Winnie Mandela was the victim of harassment and politically motivated confinement at the hands of the state and was also found to have ordered acts of political violence carried out by the Mandela United Football Club.⁵⁴

Through the compromises that led to the Interim Constitution and the eventual establishment of the TRC, South African politicians greatly contributed to reconciling South Africa's divided polity. Negotiators on multiple sides of the conflict realized that the future South African government (and its security forces) needed to contain representative portions of multiple constituencies. In order for the future government to function, negotiators had to ensure that these constituencies were reconciled with one another. The compromises made during negotiations (particularly the sunset clause) mitigated the chances of an increase of violence in South Africa. However, to ensure that violence between the state and its opposition was contained, South African politicians needed the assistance (or at least the acquiescence) of their security forces.

The Role of South Africa's Security Forces

Of all the elements of government that must reconcile and reintegrate in order to bring together a fractured polity, perhaps none is as important as the state's security

⁵⁴ Lyn Graybill, *Truth and Reconciliation in South Africa: Miracle Or Model?* (Boulder, Colorado: Lynne Rienner Publishers, 2002), 61.

forces and the armed wings of the resistance movements. The importance of reconciling within the security forces is due to the fact that it is through the security forces that the state asserts its sovereignty by monopolizing the legitimate use of violence.⁵⁵ The South African government's recognition of this importance is reflected in the "White Paper on Defence," the first document to map the future of South Africa's armed forces after the 1994 election:

"The government is equally committed to national reconciliation and unity. One of the most dramatic illustrations of this commitment is the integration of the former statutory and non-statutory forces into the South African National Defence Force (SANDF)."⁵⁶

This quote from the White Paper on Defence uses term "integration," not "reintegration", since the parties that eventually formed South Africa's new security institutions were never integrated prior to 1994.

Why did the South African security forces choose to allow the transition from apartheid to majority rule? Arguably, the South African security forces had the most to lose as a result of the transition. Security force members might lose their privileged place in society, absorb the full brunt of blame for apartheid-era abuses, and be the most likely target of retribution from the majority. If the armed wings of the opposition movements could not overthrow the government or even pose a legitimate threat to the government's existence then why let the apartheid system fall?

The answer lies in the professionalism and lack of political power held by the South African security forces. Some scholars argue that the South African security forces,

⁵⁵ Max Weber, *Politics as a Vocation* (Munich, Germany: Munich University, 1919):1 [article on-line] available from www2.selu.edu/Academics/Faculty/jbell/weber.pdf. Internet; accessed 28 January 2008.

⁵⁶ "White Paper on Defence," Republic of South Africa Department of Defence, [article on-line] available from www.doj.gov.za/trc/legal/act9534.htm. Internet; accessed 06 December 2007.

and the military in particular, held considerable political power. They point to the fact that the South African Defence Force (SADF) was represented in the State Security Council. The State Security Council was a cabinet committee that advised the government on national security policy.⁵⁷ They claim that the State Security Council supplanted the national cabinet as the true decision making body in South African government.⁵⁸ Others go so far as to say that the South African military created a “praetorian state” that militarized the economy through an organization known as the National Security Management System (NSMS).⁵⁹

Claims such as these grossly exaggerate the political involvement and political power of the SADF. The NSMS did in fact exist to regulate South African industry’s support to the military. But the NSMS was a reaction to arms sanctions imposed on South Africa under United Nations Security Council Resolution 418, not an outright attempt to militarize the economy. Furthermore, the South African military had a history of Western-inspired subservience to its civilian leadership. South African generals showed their subservience when they imposed limits on the SADF by publishing SADF Order of 1970, which prohibited members of the armed forces from participating in political activity.⁶⁰ The order was never rescinded and largely adhered to. The SADF further showed its subservience from 1989 to 1992 when President De Klerk cut its ranks in half,

⁵⁷ “TRC Probes Activities of State Security Council,” South African Press Association, Cape Town, South Africa: 30 May 1997, [on-line] available from www.doj.gov.za/trc/media/1997/9705/s970530a.htm. Internet; accessed 16 December 2007.

⁵⁸ Herbert Howe, “The South African Defense Force and Political Reform.” *The Journal of Modern African Studies* 32, no. 1 (March 1994): 31-33.

⁵⁹ Ian Liebenberg, “The Integration of the Military in Post-Liberation South Africa: The Contribution of Revolutionary Armies,” *Armed Forces & Society (Transaction Publishers)* 24, no. 1 (Fall 1997): 107.

⁶⁰ Howe, 30.

shrank the military budget by a third, tabled eleven new weapons systems and laid off 45,000 arms workers.⁶¹ All of these reductions were accomplished with the cooperation of the generals.

In addition to its tradition of obedience to civilian rule, three other factors kept the SADF from blocking the transition. First, while the armed wings of the various opposition movements posed no threat of overthrowing the government, the military saw that security forces had no real chance of completely containing the conflict,⁶² especially if those armed wings devoted less time to fighting one another and concentrated on the white minority. Second, the SADF relied on its reserve forces to a great extent. This reliance made the prospects of prolonged conflict problematic as prolonged and increased casualties in the reserve forces were thought to be politically unsustainable.⁶³ Lastly, SADF generals knew that should they oppose the government's decisions to transition power, they would face opposition from a wide alliance that would have included the armed wings of the opposition movements, white South Africans in business (and some parts of the government) and possibly even its own air force.⁶⁴ Given the SADF's historically small size, outright opposition to the civilian government may simply not have been within the physical capabilities of the security forces.

Ultimately the South African security forces did not oppose transition to majority rule and they were instrumental in facilitating a reconciled and reintegrated society.

While the South African Defence Force (SADF) changed its name to the South African

⁶¹ Howe, 38.

⁶² Greg Mills and David Williams, "From Warfare to Welfare and Back? The SA National Defence Force Ten Years on Part I - Transition to Post-Apartheid Armed Forces," *RUSI Journal* 149, no. 2 (Apr 2004): 27.

⁶³ Mills and Williams, 27.

⁶⁴ Howe, 47.

National Defence Force (SANDF) overnight on 27 April 1994, the transition from a security force that represented and protected the interests of the apartheid government to a force that served the interests of all South Africans lasted over a decade. Over these years the military evolved from a primarily white-only mix of professional soldiers and conscripted reservists to an all volunteer force consisting of all of South Africa's racial groups.

The challenges for the military were considerable. The most obvious challenge was to incorporate the members of seven different armed groups into the state's armed forces. These included the three major armed wings of resistance movements: the *Umkhonto* of the ANC, the Anzian People's Liberation Army (APLA) of the Pan African Congress (PAC), and the Inkatha Freedom Party. The other four armed groups were the so called "homeland armies" of Transkei, Bophuthatswana, Venda, and Ciskei (TBVC). These TBVC armies existed ostensibly to protect the black homelands but were really more of an extension of the SADF within the homeland territories.⁶⁵ The existing South African military, with its experience in fighting wars in Angola and Namibia, had considerably more combat experience than members of the resistance groups and homeland armies. The disparity in experience (and training) created further problems for integration. While transitioning, the South African military had to grow smaller, since it was no longer fighting wars outside its borders (and money was needed for other government programs). The downsizing would potentially put thousands of unemployed and disaffected men back into society. A smaller defense force would also likely cause a

⁶⁵Len le Roux, "The Post-Apartheid South African Military: Transforming with the Nation," *Evolutions and Revolutions: A Contemporary History of Militaries in Southern Africa*, ed. Martin Rupiya (Pretoria, South Africa: Institute for Security Studies, 2005), 245.

decrease in the size of the arms industry and reduce employment in this sector.⁶⁶ Finally, the new force would consist of members speaking eleven different languages.

The military's transition began in 1989 when the SADF started phasing out white-only national service and became an all volunteer force. This transition from heavy reliance on conscription to all volunteer was complete three years later. At the same time (in 1991) the SADF began secret talks with the largest non-statutory force, the *Umkhonto*.⁶⁷ These informal "meetings about meetings" established a framework for further negotiations and resolved two key issues: the future South African force would be apolitical and representative of all South Africans and it would rely far less on its part-time components.⁶⁸ The most important issue these meetings resolved was how to integrate members of the armed wings of opposition groups. The SADF's position was that the military was already the most representative organization in South Africa (since blacks were allowed to serve in the military during the apartheid regime). Thus, by SADF logic, integration of the armed groups was unnecessary. *Umkhonto* negotiators insisted on establishing an entirely new force consisting of members of the old SADF, the homeland armies, and armed wings of opposition movements.⁶⁹ Eventually, the two parties eventually adopted the *Umkhonto* position. Had they not done so, South Africa's transition would likely have been far more violent as thousands of opposition fighters would have been not only excluded from service, but unemployed. The Interim Constitution of 1993 reflected this decision, mandating that the new South African

⁶⁶ Greg Mills and David Williams, "From Warfare to Welfare and Back? The SA National Defence Force Ten Years on Part I - Transition to Post-Apartheid Armed Forces," *RUSI Journal* 149, no. 2 (Apr 2004): 24.

⁶⁷ Stott, 30.

⁶⁸ Frankel, 6.

⁶⁹ Stott, 29

National Defence Force (SANDF) would consist of all members of both the former SADF and the homeland armies and significant numbers of the *Umkhonto* and APLA.⁷⁰

Formal negotiations began under the auspices of the Joint Military Coordinating Council (JMCC), which met from November of 1993 to April of 1994. The JMCC was one of seven councils dealing with various aspects of the government's transition. It was headed by a chair that rotated between the chief of staff of the SADF and his counterpart in the *Umkhonto*. The JMCC had two primary tasks: to plan for a new, integrated defense force and to oversee the armed forces during the run up to the 1994 election.⁷¹ In these negotiations and the informal preceding negotiations, the SADF had the distinct advantage of possessing a well established bureaucracy and staff officer corps as well as a reservoir of technical knowledge about the hardware and infrastructure that the new force would inherit. The *Umkhonto* lacked similar bureaucratic acumen and technical knowledge but approached the proceedings with a far longer time horizon.⁷² *Umkhonto* negotiators were willing to allow SADF victories on the short term composition of the SANDF since the *Umkhonto* realized that short-term gains would eventually be countered by the force of demographics and through civilian oversight of the military. Thus in its first years of existence, the new SANDF largely resembled the old SADF in both structure and doctrine.⁷³

Perhaps the most important unresolved issue in the negotiations was whether to grant amnesty to SADF members. Denying SADF soldiers and former soldiers an

⁷⁰ James Winkates, "The Transformation of the South African National Defence Force: A Good Beginning," *Armed Forces and Society* 26, no. 3 (Spring 2000): 462.

⁷¹ Modise, 3.

⁷² Frankel, 7-9.

⁷³ Modise, 3-5.

opportunity for amnesty could have set the conditions for the military to resist the transition to majority rule. SADF negotiators insisted on a blanket amnesty for all members of the SADF, but the issue was unresolved going into the 1994 elections. Eventually the TRC ruled (as they also did in response to a similar ANC request for *Umkhonto* members) that SADF members would be eligible for amnesty only as individual applicants.⁷⁴

As of 1994, each of the armed groups that would enter the new SANDF consisted of the following numbers:⁷⁵

SADF	90,000
Umkhonto	22,000
TBVC armies	11,000
APLA	6,000
IFP	1,000

These numbers, however, tell an incomplete story of the SANDF's composition. First, integration of the armed wings of opposition movements took place over several years. Second, not all of the members of the armed wings decided to join the new security force. Of the 28,000 members of the *Umkhonto* and the APLA, only 16,000 joined the SANDF.⁷⁶ Third, many members of SADF chose to leave the security forces for reasons varying from the end of service obligations to not wanting to serve the new government.

By 1998 the origin of SANDF members was the following:⁷⁷

SADF	57,053
Umkhonto	11,738
TBVC armies	7,243
APLA	3,713

⁷⁴ Stott, 19.

⁷⁵ Ibid, 5.

⁷⁶ Winkates, 466.

⁷⁷ Le Roux, 243.

IFP	1,788
SANDF	10,600 (this last figure represents new members who joined since the inception of the SANDF and thus are not represented as originating from one of the other categories)

More important than just the simple numbers above were the numbers of officers in the SANDF from each of the different armed groups. Officers in any military, by virtue of their rank and command positions, typically have considerably more ability to sway large numbers of troops. When the SANDF first came into being, 1,770 of its officers were former members of the *Umkhonto* and the APLA. A further five hundred other officers were from the homeland armies. Growth of black representation in the officer ranks was slow, with blacks comprising only 16% of the South African officer corps in 2000.⁷⁸ Thus the integration of SANDF's officer corps lagged behind the overall integration from former resistance groups. By the figures quoted above, members of former resistance groups comprised over 21% of South Africa's armed forces in 1998 but two years later members of resistance groups comprised only 16% of the officer corps. Those members of former resistance groups that were commissioned as officers in the SANDF were hamstrung by their lack of knowledge regarding the SANDF's doctrine and operating procedures (which remained largely intact from the days of the SADF). Some of those appointed to general officer positions were given former-SADF officers as deputies to ease their transition and mitigate the new generals' lack of familiarity with the units they now commanded.⁷⁹

Another contentious area of integration was the integration of non-active duty forces. While the SADF transitioned to the SANDF, the "Part-Time Forces," as known as

⁷⁸ Winkates, 466.

⁷⁹ Modise, 6.

“Commandoes,” transitioned to “Reserve Forces.” The change in name coincided with perhaps the toughest transition for South Africa’s armed forces, as the Part-Time Forces were more likely to have been involved in the use of force inside black townships than their active duty counterparts (who had focused more on South Africa’s external conflicts). Prior to 1994, the Part-Time Forces consisted of all-white units comprised of conscripts.⁸⁰ The challenge for the new Reserve Forces was to transition to a voluntary force that reflected the racial composition of South Africa (and thus have a black majority in the ranks and officer corps).

Difficult obstacles existed to the SANDF’s integration of fighters from the ANC and other groups. Prior to 1994, many in the ANC accused the SADF of being a “third force” that fueled the conflict between the ANC and the Inkatha Freedom Party. The accusations included claims that the SADF had helped organize Inkatha rallies, armed Inkatha fighters and had even staged attacks designed to appear as if the ANC had attacked Inkatha supporters.⁸¹ While the TRC, in its final report, found no evidence to support these claims,⁸² the accusations and feelings of distrust between members of ANC and white SANDF soldiers remained. Distrust also loomed between former members of the ANC and Inkatha Freedom Party, whose members had killed far more of each other’s supporters than the SADF ever did.

Other obstacles to integration included the continued use of Afrikaans in the SANDF and racism. SANDF’s leaders chose Afrikaans as the language for conducting

⁸⁰ Winkates, 464-465.

⁸¹ Anne Shepherd, "South Africa: Sinister Ciskei," *Africa Report* 38, no. 1 (Jan 1993): 54-55.

⁸² Stott, 24-25.

business and training in the SANDF's ranks.⁸³ Presumably this decision was a compromise between SADF and ANC leaders, who needed to choose one of South Africa's languages as the armed forces' primary language. Since the majority of former SADF members spoke Afrikaans as their primary language, military leaders chose Afrikaans over the more common English. This degraded the quality of training for those SANDF members who did not speak Afrikaans. It also precluded them from speaking on a radio, a handicap that would hinder a soldier from advancing beyond the rank of corporal in any modern army. Racism remained a problem in the SANDF,⁸⁴ an unintended consequence of the sunset clause and the low number of black officers during the transition.

The difficulties the SANDF's leaders faced in integrating their forces were mitigated by the South African government's re-affirmation of civilian control over the military. While the SADF had a tradition of deference to civilian rule, South Africa's leaders sought even firmer control over the armed forces in order to both oversee the SANDF's integration and to ensure that the armed forces would be used for defensive purposes (and not "internal security"). To establish this civilian oversight the South African government created a Department of Defense in 1994. The Department of Defense consisted of the SANDF and the Defence Secretariat.⁸⁵ Both the SANDF and the Secretariat fell under the control of a civilian Minister of Defense, with the chief of staff of the SANDF and the Secretary for Defence holding equal status under the minister. The

⁸³ Modise, 7.

⁸⁴ Stott, 60-64.

⁸⁵ Le Roux, 241.

intent of the split was to separate the responsibility for execution of policy (the armed forces) from those who make the policy and fund the budgets.⁸⁶

By resting the responsibility for policy formulation and, perhaps more importantly, the responsibility for budgeting, with a civilian institution, the South African government boosted the prospects for the integration of South Africa's military. The ANC's majority in the government allowed them to appoint an ANC member (Joseph Modise, the former head of the *Umkhonto*) as the first Minister of Defence. This ensured that, over time, the Minister of Defence could level the composition of the SANDF by appointing more non-SADF members to senior positions in the armed forces. Furthermore, the Minister had the ability to cut funds to any elements of the armed forces that resisted integration. He even had the ability to disband units that were either resistant to integration or seen as symbols of the repressive use of the armed forces under the old regime. One such unit was the famous 32 Battalion, one of SADF's most elite units, which was disbanded for its association with state inspired violence in the townships.⁸⁷ To put this in an American perspective, this would be the equivalent of disbanding an elite unit such as the U.S. Army Rangers.

As mentioned earlier, South African leaders increased civilian control of the military not only to enhance integration but also to ensure that the armed forces were used for defensive purposes, not as the government's arm of oppression within its own borders. Thus, the South African Army was denied the power to arrest, detain, or search South African citizens. While the armed forces continued to operate alongside the South

⁸⁶ "Welcome to the Defence Secretariat," Republic of South Africa Department of Defence, [article on-line] available from www.secdef.mil.za. Internet; accessed 16 November 2007.

⁸⁷ Piet Nortje, *32 Battalion the Inside Story of South Africa's Elite Fighting Unit* (Cape Town, South Africa: Struick Publishers, 2003), 277-282.

African Police Service due to South Africa's high crime rates, the armed forces were constrained by their lack of policing powers. These constraints limited the South African armed forces' role in law enforcement to providing security for police units, assisting with common logistics, and securing the borders from illegal passage.⁸⁸

Since South Africa's first inclusive election in 1995, the South African military has become more representative of the society it defends. Ten years after the election, black South Africans comprised 63% of the SANDF (and the Defence Secretariat) while whites comprised 23% and Indians and "coloured" making up the difference. Top management positions showed a similar representative reflection of society. Senior management, middle management, and skilled labor positions still reflected far greater proportions of whites in the SANDF than in society at large (56, 65, and 40% respectively).⁸⁹ The South African Department of Defence explained this disparity as being the result of a competitive labor market and the long lead times necessary to create individuals qualified for such positions.⁹⁰ Regardless of cause, the difference in representation in different levels of the South African military implies that the process of integration and reconciliation within SANDF is far from complete.

As they did with the political process, South African leaders built the language of reconciliation inside the military into the South African constitution. The constitution's eleventh chapter, which deals with security forces, opens with "National security must

⁸⁸ James Winkates, "The Transformation of the South African National Defence Force: A Good Beginning," *Armed Forces and Society* 26, no. 3 (Spring 2000): 461-462.

⁸⁹ "Building a South Africa that Truly Belongs to All," *Annual Report 2005-2006 Department of Defence, South Africa* (Pretoria: Republic of South Africa, 2006), 16.

⁹⁰ Ibid.

reflect the resolve of South Africans, as individuals and as a nation, to live as equals...”⁹¹

This chapter of the constitution addressed not just South Africa’s armed forces, but also those members of the security forces with whom average South Africans had regular contact: the police.

South African Police

While South Africa’s armed forces under the SADF did perform internal security missions, they did so only to the extent that the South African Police experienced shortfalls in their ability to control unrest. The police were the element of South African security forces that performed this mission daily. Thus, from the perspective of the average South African citizen, it may have been more important that this force was well integrated, rather than the armed forces. The average South African would not see a member of its armed forces on a typical day; he was much more likely to come into contact with a policeman.

Integrating South Africa’s police was less a matter of creating proportional representation of the different races in the police force as it was a matter overcoming the old South African Police Force’s (SAPF) legacy. Even before the South African government began reforming the police in the early and mid 90s, blacks comprised 60% of the SAPF (of a total of approximately 110,000 on the force). However, blacks held merely 5% of the senior management positions.⁹² The figures above did not include the police services of the ten homeland territories, which were almost all black and consisted

⁹¹ Constitution of the Republic of South Africa, Chapter 11, Paragraph 158.

⁹² Colleen Lowe Morna, "Reforming the Police," *Africa Report* 40, no. 1 (January 1995): 33.

of another 30,000 officers.⁹³ All eleven police forces (the SAPF and the ten police forces from the homeland territories) and members of the opposition groups had to integrate into one police service that would protect and serve all South Africans.

Compounding the problem of integration in the police was the attitude of the majority of the population towards the police. Within black communities, the police were not viewed as enforcers of law and order, but as oppressors of political dissent.⁹⁴ This had two negative consequences for the reconciliation of the police with the population and integration within police ranks. First, since the population cast the police in such a negative light, black South Africans were less likely to join the police and those who did were often seen as traitors. This was especially true among the ranks of former members of resistance groups such as the ANC and PAC. Second, since the police were viewed as oppressors of political dissent, those who opposed the police were viewed more favorably. Thus not only opposition group members increased their standing among the population by opposing the police, but so did common criminals. The negative image of South Africa's police is a legacy that today's police service has yet to fully overcome.

Significant change in the South African police began well before the election of 1994. Reform began in 1991 with the publication of two key documents: the South African Police Strategic Plan and the National Peace Accord. The first changes, in the 1991 South African Police Strategic Plan, were a result of senior officers in the SAPF recognizing a growing gap between the police and the communities in which they served. The strategic plan included measures aimed at depoliticizing the force, increasing

⁹³ Janine Rauch, "The South African Police and the Truth Commission," *South African Review of Sociology* 36, no. 2 (2005): 219.

⁹⁴ Steve, Tshwete, "South Africa: Crime and Policing in Transition," (2000): 27-28.

accountability of the police to the communities, reforming police training, and restructuring the police.⁹⁵ The overall goal of the strategic plan, which was released in the same year that the ANC was “unbanned,” was to remove the police from the role of suppressing political opposition and refocus the force on fighting crime.

The National Peace Accord (covered in an earlier section) was also enacted in 1991 and created more sweeping reforms of the police.⁹⁶ The accord created several means by which the police would become more accountable to the civilian population. While these measures did not directly affect the integration of different groups inside the police force, the measures were instrumental in reconciling the population to the police. Some of the measures were largely symbolic, such as the publication of a new code of conduct for the police. Other measures were more substantial. The first was the creation of “police reporting officers,” a small group of civilian lawyers to whom members of the public could lodge complaints against police and who were also empowered to investigate the complaints. This effort paralleled the creation of local and regional “peace committees,” which were comprised of representatives from the organizations (primarily the government and the ANC) that signed the National Peace Accord. These committees had the task of arbitrating between communities and the security forces. Lastly the accord created a “Police Board” at the national level. The police board was an advisory board consisting of police generals and civilians. They advised the South African government on policies relating to the police, especially police training.⁹⁷

⁹⁵ Rauch, 120.

⁹⁶ Ibid.

⁹⁷ Morna, 34.

The 1994 election brought on the next wave of reforms aimed at reconciliation within the police and between the police and the population. The first of these reforms were largely symbolic and designed to further remove the police from their legacy as enforcers of apartheid.⁹⁸ The South African Police Force was renamed the South African Police Service and given a new leader. The ministry under which the police served was changed from the Orwellian-sounding Ministry of Law and Order to the Ministry of Safety and Security. Uniforms and insignia were changed, as were the paint schemes on police vehicles and the names of some police stations. Finally, the rank structure of the police was “de-militarized,” creating commissioners in place of generals, directors in place of brigadiers, and superintendants in place of colonels.

This cosmetic reorganization gave the appearance of quick decisive action by South Africa’s new government. However, these early reforms did not include disbanding police units that were particularly associated with political repression. It is arguable that had the government attempted to alter the police service more drastically, they would have “broken” the police force and ruined its ability to combat crime. In this light, it is less surprising that the government did not disband the Internal Stability Unit, a 7000-man strong force that wore camouflage uniforms and specialized in dealing with political riots.⁹⁹ Instead, the government retained this unit (albeit with new, less intimidating uniforms) and redesignated them as the “Internal Stability Division.”¹⁰⁰

⁹⁸ Rauch, 120-122.

⁹⁹ Kindiza Ngubeni & Sylvester Rakgodi “Transforming the Internal Stability Unit,” *Servamus* (August 1995): 18 [article on-line] available from www.csvr.org.za/wits/articles/artknsr.htm Internet; accessed 10 November 1995.

¹⁰⁰ Republic of South Africa, “SAPS Ten Years of Policing a Democracy, 1995-2005” (Pretoria: South African Police Service Communication Planning, Research, and Marketing, 2005): 25.

At the end of the year following these initial reorganizations and appearance changes, the new government amended the reforms of the National Peace Accord and encapsulated them in law with the South African Police Act of 1995. The act realigned police districts from the station to provincial level to more closely align with existing political boundaries. At the national level the act created positions for secretariats to advise leaders on police matters. The “peace committees” used prior to the election were replaced with community-police forums. The act also created the Independent Complaints Department as another means for communities to voice concerns over police activities.¹⁰¹

The South African government followed the initial reforms outlined above with changes in the training of the SAPS which were geared toward changing the attitude of police officers to human rights. These changes, along with the more superficial reforms of 1994, would further reconcile the population with the police. The new changes included a human rights program for police trainers (1996), a new code of conduct for all police officers (1997), the publication of a manual entitled *Human Rights and Policing* (1998), and a community policing training program for all officers (2000).¹⁰²

The majority of the South African government’s actions outlined above aimed at reconciling the South African population (especially blacks) with the police service. The other task was to integrate the different groups into the existing police force. Integration of South Africa’s police forces looked far different from the integration of the military primarily due to the lack of desire to join the police service on the part of former

¹⁰¹ Republic of South Africa, *South African Police Service Act of 1995*. Act 68 of 1995 (4 October 1995), Chapter 10.

¹⁰² “SAPS Ten Years of Policing a Democracy,” 28-36.

opposition group members. The reluctance of opposition group members to join stemmed from more than just their negative perception of the police.¹⁰³ First, while the ANC and other groups trained fighters that could assimilate into the military, they trained no police forces prior to the 1994 election. Second, the new black majority government was more worried about coup attempts from the military than from the police so the ANC and other groups were more inclined to populate the military with their supporters.

Nonetheless, a small number of former opposition group members did join the new police service. These few included two hundred bodyguards integrated into VIP Protection Services, a handful of intelligence personnel into the Crime Intelligence Department, and some civilians inserted into middle and senior management positions. In addition, several “self defense units” from each of the former opposition groups converted into community constable units.

Due to the limited number of former opposition group members that joined the police service, the SAPS looked very similar to the SAPF, even with the new uniforms, insignia, and paint schemes. To the average South African, the “new” police service was the same “old” police force in different clothing. The similarity between the old and new police was reinforced by the “sunset clause” from the negotiations towards the Interim Constitution. This clause stated that the civil servants from the old regime could not be dismissed from service for at least five years after the new government came to power after elections.¹⁰⁴ Thus the sunset clause guaranteed that it would take longer to build a more representative force that could reconcile South Africa’s police with its population.

¹⁰³ Rauch, 123.

¹⁰⁴ Rauch, 209.

One tool that assisted the reconciliation of the population to the police was the Truth and Reconciliation Commission. In the early days of the TRC members of the SAPF were reluctant to participate in the TRC and very few members applied for amnesty. Ironically, one of the SAPF's worst human rights violators instigated the most significant increase in police cooperation with the TRC. Eugene de Kock was the head of the notorious "Vlakplaas C1 Unit," a unit of the SAP Security Branch that was accused of numerous politically motivated crimes. He was arrested one week after the 1994 election and he eventually submitted a 1200-page application for amnesty to the Truth and Reconciliation Commission in an attempt to prevent spending the rest of his life behind bars. De Kock's application implicated other members of the SAPF and forced scores of other SAPF officers to also apply for amnesty. De Kock's application and subsequent testimony detailed numerous covert operations by the Vlakplaas unit, to include assassinations of political opponents of the government.¹⁰⁵ Without De Kock's application, most of these officers presumably would have declined to participate in the TRC. In all, 250 members and former members of the SAPF applied for amnesty with the TRC (compared with only 50 from the armed forces).¹⁰⁶ The stories of these SAPF officers in their applications and subsequent hearings added significantly to what would become the shared history of South Africa.

The question remains as to whether the initial reforms, training initiatives and police involvement in the TRC have effectively reconciled the police to the general population in South Africa. If the results of several polls conducted since South Africa's

¹⁰⁵ Republic of South Africa, Truth and Reconciliation Commission testimony of Eugene de Kock, No AM 0066/96, Day 5 [article on-line] available at www.doj.gov.za/trc/amntrans/1999/9905240623_pre_990531pt.htm, Internet; accessed 28 December 2007.

¹⁰⁶ Rauch, 221.

democratic transition are accurate, the population is more reconciled with the police now than prior to 1994. As early as mid-1995, black South Africans were more likely to answer that the effectiveness of the police service had improved.¹⁰⁷ Three years later, polls found that while satisfaction with job performance of the police had declined (which is not surprising due to the rising rate of crime in South Africa during this time), South Africans were more willing to “work with the police.”¹⁰⁸

Both the military and police of South Africa played important roles in the reconciliation of the country’s belligerents. Both forces played their most important role by acquiescing to the transition to majority rule and not violently opposing the change. The military played an additional role by absorbing thousands of former combatants into its ranks. And the police, by transforming their own institution, removed one of the most potent symbols of the old regime’s political oppression.

Conclusion

As noted in the introduction, South Africa is a distinct case study of AR2, especially since the opposing sides avoided a full-scale civil war. Yet even from a distinct case one can draw several observations about the process of AR2 in South Africa that have application in other situations.

The first observation is that the timing of the reconciliation process was instigated by economic factors. South Africa had, in the ANC and other groups, a significant opposition movement for almost eight decades before the country moved towards reforming the apartheid system. For almost half of that time the ANC and other groups

¹⁰⁷ Jakkie Cilliers, et al., “Public Opinion on Defence and Security Issues,” *About Turn*, ed. Jakkie Cilliers and Markus Reichardt (Halfway House, South Africa: Institute for Defence Policy, 1996), 236.

¹⁰⁸ Louw, 197.

used violence against the state. But it was not until apartheid became too expensive for South Africa's business interests that any viable attempts were made to reconcile the ANC and the National Party. It was South Africa's businessmen that began negotiations several years before their government did so. These businessmen were motivated to talk to the ANC by shortages in talented labor, declining productivity due to labor unrest, and fears of further declining investment due to the political situation in their country. The lesson in terms of AR2 is, in short, to "follow the money." Chances for reconciliation (especially preceding widespread hostilities) are better if economic elites are inspired by their bottom lines to make concessions to the opposition.

In the political sphere, lessons from the South African case have been documented in countless books and journal articles. For the purposes of this study, there are three lessons. First, as just stated, the political compromise that kept South Africa from descending into civil war was aided by economic motivations. Second, politicians on both sides of the conflict did their part to avoid war by recognizing the need for a national reconciliation process and building the structures necessary for reconciliation to occur in a relatively fast, efficient, and very public way. While the vast majority of attention in this area has focused on the role of the TRC, the TRC was not the sole contributor to reconciliation. The "peace councils," which brought citizens in contact with their government and security forces, also contributed to the reconciliation for which South Africa is so well known. Third, political reconciliation in South Africa would never have occurred without the acquiescence of South Africa's security forces.

The story of South African security forces in the process of the country's reconciliation is a success story. It is a success story because South Africa's security

forces cooperated with the transition and then integrated the armed wings of the opposition into the ranks of the states security apparatus with very limited violence. The South African security forces acquiesced with transition to democratic government for several reasons. First, the South African military had a culture of professionalism and subordination to civilian authority. Second, had the South African military opposed the transition, it was too small to do so. While the opposition was too weak to pose a serious threat to the South African state, nor was the military strong enough to oppose the will of the government.

Integration of former combatants into the South Africa military was successful for several reasons. First, the South African Defence Force and opposition groups negotiated the integration of opposition group fighters into the military years in advance of the actual transition. Second, the chief opposition group, the *Umkhonto* of the ANC, took a long term view of security force integration. *Umkhonto* negotiators gave their SADF counterparts numerous concessions in terms of the organization, standards, and doctrine of the new South African National Defense Force. They did so while recognizing that demographics would eventually catch up with the concessions made in the short term. If the new SANDF looked a lot like the old, white-run SADF, this would change over time as blacks filled the ranks and leadership of the new force.

The South African case also serves as a reminder that, in the process of AR2, police forces are equally important to (if not more important than) a country's military. As in many countries, the South African police were more involved in keeping a lid on political violence than the military. As such, the police became symbols of political

oppression. Thus, to the average South African, it was more important that the police be integrated and reconciled than the military.

At the time of writing, South Africa's democracy is 13 years old and approaching its fourth presidential election. South Africa remains relatively free of political violence. The lack of political violence in South Africa is in no small part due to the granting of amnesty to those who committed political violence before 1995 and due to the successful integration of former opponents into the security apparatus of the country.

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